## United States Department of Labor Employees' Compensation Appeals Board

D.B., Appellant and U.S. POSTAL SERVICE, POST OFFICE, Miami, FL, Employer	) ) ) ) Docket No. 22-0798 ) Issued: August 24, 2022 )
Appearances: Appellant, pro se Office of Solicitor, for the Director	)  Case Submitted on the Record

## **ORDER REMANDING CASE**

Before:

JANICE B. ASKIN, Judge

VALERIE D. EVANS-HARRELL, Alternate Judge

JAMES D. McGINLEY, Alternate Judge

On April 25, 2022 appellant filed timely appeals from January 28 and April 8, 2022 merit decisions of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards docketed the appeals as Docket No. 22-0798.

On December 14, 2021 appellant, then a 65-year-old mail handler, filed a traumatic injury claim (Form CA-1) alleging that on June 30, 2021 she injured her lower back when she stepped off of a porch after delivering a package while in the performance of duty. She did not stop work.

By decision dated January 28, 2022, OWCP accepted that the June 30, 2021 incident occurred as described. However, it denied appellant's traumatic injury claim, finding that the medical evidence of record was insufficient to establish a medical diagnosis in connection with the accepted June 30, 2021 employment incident. Consequently, OWCP found that the requirements to establish a claim under FECA had not been established.

<sup>&</sup>lt;sup>1</sup> OWCP assigned the present claim OWCP File No. xxxxxx454. Appellant has a previously accepted December 1, 2016 traumatic injury claim for strain of muscle, fascia, and tendon of the lower back under OWCP File No. xxxxxx936. The claims have not been administratively combined by OWCP.

On February 22, 2022 appellant requested reconsideration of the January 28, 2022 decision and submitted additional evidence.

By decision dated April 8, 2022, OWCP modified its prior decision finding that appellant had submitted sufficient evidence to establish diagnoses of disc displacement at L3-4 through L5-S1 and spinal stenosis at L3-4 and L5-S1. However, appellant's claim remained denied as she had not submitted sufficient rationalized medical evidence to establish that the accepted June 30, 2021 employment incident caused or aggravated her diagnosed conditions.

The Board has duly considered the matter and concludes that this case is not in posture for decision. OWCP's procedures provide that cases should be administratively combined when correct adjudication of the issues depends on frequent cross-referencing between files.<sup>2</sup> For example, if a new injury case is reported for an employee who previously filed an injury claim for a similar condition or the same part of the body, doubling is required.<sup>3</sup> Herein, appellant's claim under OWCP File No. xxxxxxx936 also involved injuries to the low back, which are at issue in the present claim under OWCP File No. xxxxxxx454. For a full and fair adjudication, this case must be returned to OWCP to administratively combine the current case record with OWCP File No. xxxxxxx936, so it can consider all relevant claim files and accompanying evidence in adjudicating appellant's current traumatic injury claim.<sup>4</sup>

Following this and other such further development as OWCP deems necessary, it shall issue a *de novo* decision.

<sup>&</sup>lt;sup>2</sup> Federal (FECA) Procedure Manual, Part 2 -- Claims, *File Maintenance and Management*, Chapter 2.400.8c (February 2000).

<sup>&</sup>lt;sup>3</sup> *Id.*; *M.L.*, Docket No. 20-1176 (issued April 29, 2021); *L.M.*, Docket No. 19-1490 (issued January 29, 2020); *L.H.*, Docket No 18-1777 (issued July 2, 2019).

<sup>&</sup>lt;sup>4</sup> Supra note 2 at Chapter 2.400.8c(1); W.D., Docket No. 19-0961 (issued March 31, 2021); L.P., Docket Nos. 18-1558, 18-1568 (issued June 21, 2019).

**IT IS HEREBY ORDERED THAT** the January 28 and April 8, 2022 decisions of the Office of Workers' Compensation Programs are set aside and the case is remanded for further proceedings consistent with this order of the Board.

Issued: August 24, 2022

Washington, DC

Janice B. Askin, Judge Employees' Compensation Appeals Board

Valerie D. Evans-Harrell, Alternate Judge Employees' Compensation Appeals Board

James D. McGinley, Alternate Judge Employees' Compensation Appeals Board